

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Carla West, :
Plaintiff, :
v. : Case No. 2:07-cv-0092
Commissioner of Social Security, : JUDGE SMITH
Defendant. :

ORDER

This matter is before the Court to consider de novo plaintiff's objections to a Report and Recommendation of the Magistrate Judge recommending that judgment be entered in favor of the defendant Commissioner. For the following reasons, those objections will be overruled and judgment will be entered for the defendant.

Plaintiff raises two issues in her objections. First, she contends that there is sufficient corroboration both from medical sources and mental health sources to support her claim of disability, and that the Commissioner's finding to the contrary is unsupported. Second, she contends that the Commissioner misapprehended the nature of disability due to fibromyalgia and improperly evaluated her credibility.

Contrary to plaintiff's assertions, Dr. Clark, who evaluated plaintiff's physical capacity, did not limit her to performing below the level of sedentary work, and one of his evaluations is consistent with a limited range of light work. The Commissioner properly took his findings into account. The mental health evaluations done by Drs. Sauer and Sarver were also reasonably interpreted. As the Report and Recommendation notes, Dr. Sauer's opinion was formed when plaintiff was in the midst of a short-

term crisis. Dr. Sarver did rate plaintiff's GAF at 51, but also concluded that her functional limitations did not preclude all work activity. A low GAF rating, by itself, does not mandate a finding of disability, and a score of 51 indicates symptoms in the moderate range. See, e.g., Kennedy v. Astrue, 247 Fed. Appx. 761 (6th Cir. September 7, 2007).

With respect to the credibility issue, the Court is in general agreement with the Magistrate Judge's assessment of the Commissioner's findings. The Court does note that the lack of aggressive treatment for either fibromyalgia or psychological symptoms was not the sole basis for the Commissioner's decision to discount plaintiff's credibility, so the fact that there may have been other factors, such as lack of financial resources, which might have led her not to seek treatment is not grounds for reversing the Commissioner's decision.

For these reasons, plaintiff's objections to the Report and Recommendation of the Magistrate Judge are OVERRULED, and the Report and Recommendation is ADOPTED. The plaintiff's statement of errors is OVERRULED, the decision of the Commissioner is AFFIRMED, and the Clerk is directed to enter judgment in favor of the defendant.

/s/ George C. Smith
George C. Smith
United States District Judge